

Election Reform

The Problem

The 2004 governor's race was the closest governor's race in state history. At first, Dino Rossi won by 261 votes. The first recount—a machine recount—gave Rossi a win by only 49 votes. The second recount—a hand recount—overturned the other two, giving Christine Gregoire the win by 129 votes.

Nearly 2.9 million votes were cast. Vast discrepancies and utter chaos between the rules and processes of the various auditors' offices require legislative involvement with an election reform package. Voter confidence must be restored in the election system. With elections that are too close to call, Washington must ensure an accurate vote count.

Background

Experts have identified several problem areas with Washington's election system. They include:

Provisional ballots

King County election officials have admitted that roughly 350 provisional ballots were improperly fed into vote-counting machines at the polls. Once provisional ballots go into the vote-counting machine, it is impossible to separate them from other ballots.

Military voters disenfranchised

Many of our soldiers overseas were disenfranchised in this election because they never received their ballots. In many cases, soldiers' ballots were received late... and they arrived back in the states late.

King County changed its rules in the middle of the election

On Dec. 16, the King County Elections Department announced it was changing its own rules dealing with overvotes. Overvotes were sent to the county's canvassing board, instead of being tossed out. On Dec. 22, the state Supreme Court ignored state and federal law by allowing King County to count 573 ballots that previously had not been counted because no signatures for them were on file. This ruling changed the recount, which 38 counties had already completed their recounts and certified. King County was the only county that could act on the court ruling.

Voter confidence

Voter confidence has dropped. Several polls indicate people want a revote. A recent Elway poll showed that almost one-third of our voters – 30 percent – felt the outcome of the election flat out was not legitimate. And 47 percent, almost half of those polled, felt that the outcome and process of the recount were unfair.

Out of 16,000 respondents to a KIRO-TV poll, 76 percent said there should be a revote in the governor's race. A KING 5/Survey USA poll showed that 53 percent think Dino Rossi should NOT concede the race. Of those surveyed, 56 percent said they think Rossi won the race. And 59 percent of the Survey USA participants say that a revote is necessary.

SRC Wins

Help America Vote Act

SB 6419 was signed into law in 2004. The bill implemented the federal requirements for the Help America Vote Act. HAVA requires the creation of a statewide voter registration data base; provisional voting capabilities; a driver's license or Social Security number from an individual registering to vote; mail-in registration forms to include certain questions relating to citizenship and age; early disability access voting; the establishment of a local government grant program; and applying the administrative complaint procedures to elections.

Top Two Primary

SB 6453 was signed into law in 2004. The bill created a Top Two primary system with a Montana system as a backup.

Military Internet Voting

SB 5463 was signed into law in 2003. The bill authorized a pilot project for military and overseas voters to vote over the Internet. (This project was delayed due to lack of federal funding.)

Mailing of Absentee Ballots

SB 5218 was signed into law in 2003. It required all absentee ballots be prepared at least 18 days before the primary election.

SRC Goals

Serious flaws in the current system provide irregularities and no uniform standards across the state. Senate Republicans are committed to fixing these issues to increase voter confidence and to ensure an accurate vote count. They have outlined several key areas that should be addressed in the election reform package. Those that have been introduced have bill numbers included in their summaries. Others will be introduced in the coming weeks.

SENATOR ROACH

1. **REQUIRING A REVOTE IN THE GOVERNOR'S RACE:** SB 5079 is the catalyst under which the Legislature can contest the gubernatorial election. Under Article III, Section 4 of the Washington State Constitution, the Legislature is vested with the power to contest an election and create law to decide that election. (SB 5079)

2. **REQUIRING ELECTION OF ALL COUNTY AUDITORS:** Requires all counties, including charter counties, to elect a county auditor who will act as chief elections officer. The Legislature has the power to govern charter counties if the law is of general concern to the state, and not purely a local issue.
3. **REQUIRING COUNTIES TO RECONCILE THE NUMBER OF BALLOTS TO BE CERTIFIED WITH THE NUMBER OF VOTES CAST:** Mandates that before a county certifies its results, that county must reconcile the number of ballots with the number of votes recorded, within a set margin of error.
4. **REQUIRING COUNTY ELECTIONS STAFF TO RANDOMLY INVESTIGATE REGISTERED VOTERS TO CHECK FOR ACCURACY:** Creates "Voter Vault Verification Technicians," who will check the rolls, when not administering elections, to ensure that deceased, double-registered, felony and other wrongful voters are removed from the list of registered voters.
5. **REQUIRING ABSENTEE BALLOTS BE DUE BY ELECTION DAY:** Requires all absentee ballots be due by the close of the polls on Election Day, unless the absentee ballot is from a military or out-of- state voter. Military or out-of-state absentee votes must be mailed no later than the date of the election. (SB 5082)
6. **REQUIRING MANDATORY TEACHING OF THE ELECTION PROCESS IN HIGH SCHOOL:** Creates a mandatory voter education program that must be taught to high school students. Such education would include, but not be limited to, how to register, how to vote, and education on the voter's pamphlet.
7. **REQUIRING ALL WASHINGTONIANS TO RE-REGISTER TO VOTE:** Cleans the voter registration rolls by requiring that all voters be removed from the registered voter list and re-register to vote. (SB 5078)
8. **REQUIRING ALL VOTERS TO SHOW PHOTO ID AT POLLING LOCATIONS:** Requires voters to show photo identification and proof of registration in order to vote at a polling place.
9. **REQUIRING VOTERS TO REAFFIRM AMERICAN CITIZENSHIP BEFORE VOTING:** Places a check-box on the ballot envelope which states, "Check here if you are a citizen of the United States." Failure to mark the check-box does not affect the validity of the ballot. However, fraudulently checking the box is a class C felony. (SB 5080)
10. **REQUIRING A PAPER TRAIL FOR ALL ELECTRONIC VOTING MACHINES:** Requires counties to record a paper record for all votes cast at polling locations which offer electronic voting.

11. **PROVIDING A SECURITY FLAP ON ABSENTEE BALLOTS:** Requires counties to add a security flap to the outside envelope of absentee ballots that may be sealed by voters after they sign their ballots to protect the privacy of the voters' return addresses, as well as the privacy of their signatures.
12. **VERIFYING CITIZENSHIP:** Requires election officials to verify a person's United States citizenship when registering to vote by requiring that the individual provide certain pieces of identification upon registration.
13. **STUDY TO DETERMINE HOW MANY PEOPLE VOTED WHO SHOULD NOT HAVE:** Requires the secretary of state to study the number of people who registered to vote in the past election and determine how many did not actually have a right to vote.

SENATOR OKE

1. **REQUIRING A DIFFERENT COLORED PROVISIONAL BALLOT:** Prevents the mixing of provisional ballots with other ballots by requiring that provisional ballots and their envelopes be printed on a color of paper that is different than any other ballots or envelopes, including absentee ballots, so that provisional ballots can be better separated and accounted for in the tabulation process.
2. **CODIFIES PROVISIONAL BALLOTS:** Codifies the rules regarding provisional ballots in the RCWs, so that the Legislature can create a uniform application of provisional ballot laws. Currently, neither the RCWs nor the WACs contain laws or rules that substantively deal with provisional ballots.

SENATOR MORTON

PROTECTING VOTER PRIVACY: Protects the sanctity and privacy of a person's vote by discontinuing the ballot enhancement procedure and prohibiting the arbitrary inference of "intent" by canvassing boards. If a ballot is rejected by a tabulation machine for any reason, that ballot is separated from all other validly tabulated ballots and later considered by the canvassing board. If the voter did not follow the rules of the voting procedure provided for in the voting directions, the canvassing board is prohibited from inferring intent and must reject the ballot as invalid.

SENATOR SCHOESLER

REVISES ELECTION LAWS: Tackles many important election issues, including: (1) moving the time period for filing for candidacy back to the week prior to the fourth of July, (2) requiring that absentee ballots be sent out two weeks earlier so that the military receive the ballots within enough time to cast a valid vote, (3) requiring that absentee ballots be due by Election Day, except for military and overseas voters, whose ballots must be mailed by Election Day, (4) prohibiting third parties from contacting and delivering affidavits in order to

correct previously rejected ballots, (5) making the names of provisional ballots not a matter of public record, and (6) eliminating the practice of creating a special filing period for major-party vacancies after the regular candidate filing period has expired.

SENATOR CARRELL

VERIFIES PERSON'S RIGHT TO VOTE: Verifies voters' qualifications when they register to vote by requiring that (1) people provide certain pieces of identification to prove United States citizenship, and (2) the elections officials review applicable records to verify that people are not deceased, felons, and/or already registered in another jurisdiction.

SENATOR SCHMIDT

1. **ORGANIZES ELECTION LAWS:** Cleans up and clarifies elections laws and rules regarding the "voting rights" of military and overseas voters, and requires clear, concise instructions regarding the options for return of ballots to be printed on the outside envelope of ballots sent to military and overseas personnel.
2. **COUNTING MILITARY VOTES:** Allows military and overseas ballots that are received by the voter after the date of the election or that are received by the county or secretary of state after the date of certification to count toward that election provided that the ballot is accompanied by a superior officer attesting to the late receipt, and that the election process is still ongoing and that a final decision regarding the winner has not been made.
3. **PROVIDING A VOTING MANUAL TO HELP ELECTIONS WORKERS:** Requires that during the vote tallying and recount process, counties must have on hand at the counting/tallying location a "user's manual" that explains all election laws and rules in easy-to-understand, plain language for quick reference.

SENATOR STEVENS

ALLOWING VOTERS TO CAST AN ABSTENTION VOTE: Requires that all ballots give voters the option to choose whether to completely abstain from voting for a particular race by providing instructions and a place on the ballot in each race where the voter can cast an abstention vote. (SB 5088)